

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 09-044

NEW HAMPSHIRE TELEPHONE ASSOCIATION

**Petition for an Investigation into the Regulatory Status of
IP Enabled Voice Telecommunications Services**

**Declaration of Beth Choroser in Support of Comcast's Motion for Rehearing and
Suspension of Order No. 25,262 and Motion to Reopen Record**

I, Beth Choroser, hereby declare as follows:

1. I am Executive Director of Regulatory Compliance for Comcast's voice service operations. I am submitting this Declaration in Support of Comcast's motion for Rehearing, Suspension, and to Reopen the Record with respect to Order No. 25,262. That order decided that Comcast's interconnected VoIP services in New Hampshire – which consist of Comcast Business Class Voice for enterprise customers and XFINITY Voice[®] for residential customers¹ – are subject to state telecommunications regulations in New Hampshire. I have personal knowledge of the facts stated herein, either directly or through consulting with colleagues with whom I confer in order to carry out my responsibilities over Comcast's regulatory compliance.

CUSTOMER OWNERSHIP AND COMMERCIAL AVAILABILITY OF EMTAS

2. In Comcast's reply testimony previously submitted in this docket, my colleague David Kowolenko indicated that Comcast would soon be offering its customers in New Hampshire the option of purchasing the embedded multimedia terminal adapter ("eMTA") from

¹ At the time of my previous testimony in this docket, Comcast's residential interconnected VoIP service was known as "Comcast Digital Voice" or "CDV."

Comcast, instead of renting it from Comcast. I can confirm that since Mr. Kowolenko's testimony was submitted, Comcast has begun offering New Hampshire customers the option of purchasing their own eMTA and using it with the XFINITY Voice service rather than renting an eMTA from Comcast. This option has been available to customers since the end of 2010.

MANAGED BCV SERVICE

3. Comcast has already rolled out in several other markets, and has recently rolled out in New Hampshire, an enhanced business service known as "Managed Business Class Voice" ("MBCV"). MBCV adds a number of mobile and nomadic functionalities to Comcast's current BCV service.

4. In particular, MBCV enables a customer to place and receive calls from their Comcast-provided phone number from any of multiple devices: customers can continue to make and receive calls from a desk phone wired to Comcast's network, but can also do so from a handheld device on a third-party Commercial Mobile Radio Service ("CMRS") carrier, and will in the near future also be able to do so from a "soft client" (i.e. computer software) on a computer using any broadband connection (including a broadband connection from a third-party Internet Service Provider). Thus, MBCV allows a user to use a single, Comcast-provided phone number served by a Comcast switch, but to access that number to place and receive calls either using Comcast's network or a third-party CMRS or (soon) third-party broadband network. I would note, moreover, that this is different from call forwarding – MBCV retains the call on Comcast's own soft switch, and the call will register (on the called or calling party's phone) as originating from the Comcast-assigned phone number, no matter how (desk phone, handheld device, or computer) the MBCV user is accessing the service. In addition, calls can be transferred seamlessly from device to device while the call is in progress (i.e. from desk phone to

handheld device or computer, and vice versa) without dropping the call. All in all, MBCV offers a truly “nomadic” experience that makes the location of the user, or the type of device they are on, irrelevant – they can receive and place MBCV calls wherever they are, whether they have a wired connection to Comcast’s network or not.

COMCAST’S BILLING SYSTEMS AND SOFTWARE

5. I am familiar with N.H. Admin. Rule PUC 432.14 governing the discontinuation of service by CLECs in New Hampshire. As I understand the requirement at Rule 432.14(f), the rule prohibits a carrier from disconnecting a customer’s regulated service based on the customer’s failure to pay for non-regulated services.

6. Comcast and its affiliates provide a number of services to customers nationwide, including the XFINITY TV[®] cable video service, the XFINITY Internet[®] Broadband Internet service, and the XFINITY Voice[®] interconnected VoIP service. Customers commonly receive several of these services from Comcast at the same time. In such cases, Comcast provides customers with a single bill.

7. Today, if a customer does not pay their bill in full, all services for which the customer is billed will begin our collections and disconnection processes. In instances where a Comcast customer fails to pay their bill in full, Comcast does not currently have the means, through its billing or provisioning software, of applying the partial payment to the XFINITY Voice service only. The system and software for Comcast nationally were designed around the expectation that a customer would be purchasing multiple services, and Comcast is not currently subject to regulatory requirements in any other jurisdictions that would require it to have the ability to allocate partial payments to specific services, as opposed to the customer’s general balance.

8. As a result, Comcast's billing and provisioning systems would not enable it to identify instances in which a New Hampshire customer's bill had not been paid in full, but where the partial payment would be sufficient (if prioritized and allocated first towards the regulated XFINITY Voice portion of the bill) to cover the voice portion of the bill only, and thus designate those customers for the disconnection of XFINITY Internet or XFINITY TV services only while retaining active XFINITY Voice service. At this time, in order to comply with this requirement in New Hampshire, Comcast would need to process all New Hampshire disconnections manually, bypassing the automated functionality of its billing and provisioning systems, which would require extensive training and changes to Comcast's protocols. This would have a significant and costly impact to its current business practices until changes to the billing and provisioning systems (if such changes are feasible) could be accomplished.

9. At present, Comcast is in the process of investigating how it would even begin complying manually with New Hampshire's rules regarding disconnection of regulated telephone utilities. As changes to Comcast's billing system or training its personnel to conduct applicable New Hampshire disconnection operations manually would both involve substantial effort and expense, it would not be feasible for Comcast to effect such compliance within the timeframe contemplated by the *Order*.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12th day of September 2011, at Philadelphia, PA.


Beth Choroser